

1 NOAH GRAFF, Assistant Chief Counsel, (SBN# 192795)
ngraaff@scif.com
2 R. TIMOTHY O'CONNOR, Staff Counsel (SBN# 179631)
rtoconnor@scif.com
3 JOHN B. DE LEON, Staff Counsel, (SBN# 261381)
jdeleon2@scif.com
4 STATE COMPENSATION INSURANCE FUND
900 Corporate Center Drive, Suite 401
5 Monterey Park, California 91754
Telephone: (323) 526-2045
6 Facsimile: (323) 526-2012

7 Attorneys for Plaintiff
STATE COMPENSATION INSURANCE FUND,
8 A Public Enterprise Fund

9 MICHAEL J. STRUMWASSER (SBN 58413)
BRYCE A. GEE (SBN 222700)
10 JULIA MICHEL (SBN 331864)
STRUMWASSER & WOOCHELL LLP
11 10940 Wilshire Boulevard, Suite 2000
Los Angeles, California 90024
12 Telephone: (310) 576-1233
Facsimile: (310) 319-0156
13 mstrumwasser@strumwooch.com
bgee@strumwooch.com
14 jmichel@strumwooch.com

15 Attorneys for Defendants
RICARDO LARA and THE CALIFORNIA
16 DEPARTMENT OF INSURANCE

17 **UNITED STATES DISTRICT COURT**
18 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

19 STATE COMPENSATION INSURANCE
20 FUND, a Public Enterprise Fund,

21
22 Plaintiff,

23 vs.

24 RICARDO LARA in his capacity as
INSURANCE COMMISSIONER OF THE
25 STATE OF CALIFORNIA; and THE
CALIFORNIA DEPARTMENT OF
26 INSURANCE, an Agency of the State of
California,

27
28 Defendants.

CASE NO. 2:20-CV-01289-JAM-CKD

**STIPULATION AND ORDER TO
CONTINUE DEFENDANTS' MOTION
TO DISMISS**

1 Plaintiff STATE COMPENSATION INSURANCE FUND (“Plaintiff” or “State Fund”),
2 and Defendants RICARDO LARA in his capacity as INSURANCE COMMISSIONER OF THE
3 STATE OF CALIFORNIA, and THE CALIFORNIA DEPARTMENT OF INSURANCE, an
4 Agency of the State of California (“Defendants”)(collectively, the “Parties”), by and through their
5 respective counsel of record, hereby respectfully apply to this Court for an Order continuing
6 Defendants’ motion to dismiss scheduled on January 26, 2021 at 1:30 p.m. to March 9, 2021 at
7 1:30 p.m. based on Local Rules 143 and 230(f).

8 WHEREAS, Plaintiff and Defendants conferred to continue Defendants’ motion to dismiss
9 from January 26, 2021 to March 9, 2021;

10 WHEREAS, Lead Trial Counsel for State Fund in this Action has/is experiencing a family
11 related health matter that unexpectedly required his absence from the office for one week, within
12 the last two weeks and again will require his absence from the office from December 27, 2020
13 through January 4, 2021;

14 WHEREAS, the recent restrictions due to the COVID-19 crises has adversely affected State
15 Fund’s resources and in office operations;

16 WHEREAS, State Fund and other litigants in actions venued in State Court and
17 Administrative Tribunals will be participating in mediation on January 22, 2021, which State Fund
18 believes may impact the allegations of its Complaint in this matter and resolve part or all of those
19 claims;

20 WHEREAS, the parties hereby stipulate to the following briefing schedule, subject to Court
21 approval:

- 22 1. Plaintiff will serve and timely file its opposition to Defendant’s Motion to Dismiss,
23 currently set for hearing on January 26, 2021 on or before February 9, 2021, or 28 days
24 before the hearing on Defendants’ Motion to Dismiss;
- 25 2. WHEREAS, Defendants will serve and timely file their Reply on or before March 2,
26 2021, or 7 days before the hearing on Defendant’s Motion to Dismiss;

NOW, THEREFORE, IT IS HEREBY STIPULATED, between the Parties, subject to the Court's approval, that: Defendants' motion to dismiss be continued from January 26, 2021 to March 9, 2021 at 1:30 p.m. or such other date thereafter convenient to the Court.

IT IS SO STIPULATED.

DATED: December 23, 2020

STRUMWASSER & WOOCHELL LLP

By: /s/Michael J. Strumwasser

Michael J. Strumwasser

Bryce Gee

Julia Michel

Attorneys for Defendants

RICARDO LARA in his capacity as INSURANCE COMMISSIONER OF THE STATE OF CALIFORNIA; and THE CALIFORNIA DEPARTMENT OF INSURANCE, an Agency of the State of California

DATED: December 23, 2020

NOAH GRAFF

Assistant Chief Counsel

By: /s/R. Timothy O'Connor

R. Timothy O'Connor

John B. de Leon

Attorneys for Plaintiff

STATE COMPENSATION INSURANCE FUND

ORDER

For good cause shown, the above Stipulation is adopted as follows:

Defendants' motion to dismiss be continued from January 26, 2021 at 1:30 p.m. to March 9, 2021 at 1:30 p.m.

IT IS SO ORDERED.

DATED: December 28, 2020

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE